

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL
GROUP, LLC; DAVID SCHAEFER; JORDAN
GREEN; JEFFREY CONWAY AND JAMES
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
December 8, 2022

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Exhibits 3 and 4 to the Declaration of William C. Rava in Support of Bungie’s Motion to Dismiss Phoenix Digital’s and James May’s Amended Counterclaims with Prejudice (“Rava Decl.”), and the accompanying references to these exhibits and information in Bungie’s Motion to Dismiss Phoenix Digital’s and James May’s Amended Counterclaims with Prejudice and the Rava Declaration.

PLAINTIFF’S MOT. TO FILE UNDER SEAL
(No. 2:21-cv-811) – 1

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1 A party may file a document under seal without prior court approval “[i]f the party files a
2 motion or stipulated motion to seal the document . . . at the same time the party files the sealed
3 document. LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the
4 parties met and conferred about the need to file the document under seal, the ability to minimize
5 the material filed under seal, and the possibility of explore alternatives to filing under seal. LCR
6 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file
7 confidential documents it obtained from another party in discovery may file a motion to seal but
8 need not provide a specific statement of the applicable legal standard and the reasons for keeping
9 a document under seal. LCR 5(g)(3)(B).

10 Here, the exhibits that Bungie intends to file under seal consist of excerpts of deposition
11 transcripts from Defendants David Schaefer and James May that were taken in the parallel JAMS
12 arbitration proceeding between the same parties, and which were designated as Confidential by
13 Defendants. Bungie has an obligation to maintain the confidentiality of this information under the
14 Stipulated Protective Order in this case and the virtually identical order in the arbitration
15 proceeding.

16 On December 7, 2022, Bungie’s counsel notified counsel for Defendants via email of its
17 intent to file Exhibits 3 and 4 to the Rava Declaration in connection with its motion to dismiss,
18 including the specific portions of the deposition testimony to be cited, and asked Defendants to
19 confirm whether they intended to assert confidentiality over those portions of the transcript.
20 Defendants stated that they consider these deposition excerpts Confidential.

21 A proposed order accompanies this motion.
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1 Dated: December 8, 2022

By: /s/William C. Rava

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PLAINTIFF'S MOT. TO FILE UNDER SEAL
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